

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.,
State Engineer,

Plaintiff,

vs.

No. 69cv07941-BB-ACE
RIO CHAMA STREAM SYSTEM
Section 7

ROMAN ARAGON, et al.,

Defendants.

AFFIDAVIT

STATE OF ARIZONA)
)
COUNTY OF PINAL)
)

Henry G. Coors, being first duly sworn, deposes and states:

1. From November, 2000 until March, 2005, I lived with my wife Judy in a motor home spending the winters in Casa Grande, Arizona and traveling in the summers.
2. When I started motor homing, I joined a club for motor homers called Escapees in Livingston, Texas.

3. My wife and I used the services of Escapees to forward our mail to us wherever we would direct them to forward the mail.

4. If a motor homer is traveling, he will direct Escapees to hold his mail until he knows where and when he will be. Because Escapees forwards mail only once each week and because of the time that it takes to receive the forwarded mail, a motor homer will not notify Escapees where to forward his mail unless he knows where he will be two weeks after he advises Escapees where to send his mail.

5. The address of Escapees where we had our mail sent so it could be forwarded to us was 163 Rainbow Road #6313, Livingston, Texas 77399-1063.

6. From April 23, 2004 until August 2, 2004, my wife and I stayed in Dewey, Arizona and mail was forwarded to us weekly.

7. Commencing August 3, 2004, we traveled to Bend, Oregon until August 11, 2004.

8. During the next 2½ weeks, we traveled to Harrisburg, Oregon for work on our coach and then we went to Coberg, Oregon, Portland, Oregon, Mount St. Helens, Washington, Bothel, Washington, and Seattle, Washington. We had no itinerary nor did we know where we would be on any given day.

9. Commencing August 28, 2004, we traveled to Canada where we stayed until September 13, 2004. Mail delivery is much slower in Canada and I did not have my mail forwarded.

10. We stayed in Deer Park, Washington from September 13, 2004 to September 17, 2004.

11. From September 17, 2004 until September 30, 2004, we traveled to Coeur d' Alene, Idaho, Glacier National Park, Montana, Salt Lake City, Utah, and Denver, Colorado. During this period, we had no itinerary and we did not have our mail forwarded.

12. From October 1, 2004 to October 7, 2004, we traveled from Denver, Colorado to Albuquerque via Chama, New Mexico where we lived from 1990 to 2000 to visit friends.

13. On October 10, 2004, we flew to Ogdensburg, New York to visit my wife's father in a nursing home.

14. On October 18, 2004, we returned to Albuquerque and received our mail from Escapees which had been held since July 26, 2004.

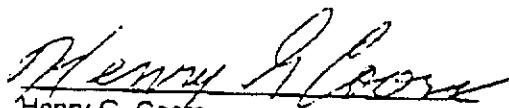
15. We stayed in Albuquerque from October 18, 2004 to October 26, 2004 when we came to Casa Grande, Arizona for the winter of 2004-2005.

16. I was not aware of my hearing on September 20, 2004 nor was I aware that anyone had asserted a claim against the water rights that I conveyed to Rutherford Water Association for the benefit of the lot owners in Ft. Heron Preserve subdivision.

17. At no time from July 27, 2004 until October 18, 2004 did I know of a time and place where we would be to have our mail forwarded.

18. In the forwarded mail which I received on October 18, 2000, I have no recollection of receiving anything that indicated that anyone was mailing a claim against any water rights that I had transferred to Rutherford Water Association.

FURTHER AFFIANT SAYETH NAUGHT.

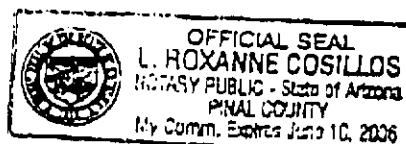

Henry G. Coors

SUBSCRIBED AND SWORN to before me this 10th day of July, 2005, by Henry G. Coors.


Roxanne Cosillos
Notary Public

My commission expires:

06-10-06



We hereby certify that a copy of the foregoing pleading was sent by the method(s) indicated below to the person(s) and indicated address(es) listed below on the 10th day of July, 2005. If by facsimile or email, the transmission was reported as complete and without error.